

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 2:13-cr-20479

Honorable Robert H. Cleland

vs.

D-1, CLARENCE MYRON HOWARD,

Defendant.

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**PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, an Information was filed on or around June 24, 2013, which charged Defendant CLARENCE MYRON HOWARD (“Defendant”) with two counts, including Count One, Felon in Possession of a Firearm pursuant to 18 U.S.C. § 922(g)(1).

WHEREAS, the Information sought criminal forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) of any firearm or ammunition involved in or used in any knowing violation of section 922, including, but not limited to the following firearm: **One (1) Excam .25 caliber automatic pistol, model GT 27, Serial Number MI12715.** (Hereafter the firearm is referred to as the “Subject Property”).

WHEREAS, on August 28, 2013, Defendant pled guilty to Count One of the Information which charged him with Felon in Possession of a Firearm pursuant to 18 U.S.C. § 922(g)(1).

WHEREAS the Subject Property was directly involved in or was traceable to Defendant's criminal conviction in violation of 18 U.S.C. § 922(g)(1) and is therefore subject to forfeiture to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

NOW, THEREFORE, based upon the Information, the guilty plea, the Application and other information in the record:

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any and all interest Defendant may have in the Subject Property is FORFEITED to the United States for disposition according to law, and any right, title or interest of Defendant, and any right, title or interest that his heirs, successors, or assigns, have or may have in the Subject Property IS HEREBY AND FOREVER EXTINGUISHED.

IT IS FURTHER ORDERED that upon entry of this Preliminary Order of Forfeiture, the United States Attorney General or his designee is authorized to commence any applicable proceeding to comply with the statutes governing third party rights, including giving notice of this Order.

Pursuant to 21 U.S.C. § 853(n), Federal Rule of Criminal Procedure 32.2(b)(6) and Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish notice of this

Preliminary Order of Forfeiture and of its intent to dispose of the Subject Property in such manner as the Attorney General may direct on [www.forfeiture.gov](http://www.forfeiture.gov) for at least thirty (30) consecutive days. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the Subject Property. Said notice shall direct that any person, other than the Defendant, asserting a legal interest in the Subject Property, may file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the Subject Property. Any petition filed by a third party asserting an interest in the Subject Property must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Subject Property, any additional facts supporting the petitioner's claim, and the relief sought.

The United States is hereby authorized, pursuant to Federal Rules of Criminal Procedure 32.2(c), to conduct any discovery in the ancillary proceeding in accordance with the Federal Rules of Civil Procedure upon a showing that such

discovery is proper and desirable.

Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), this Preliminary Order of Forfeiture shall become final as to Defendant at the time of his sentencing. If no third party files a timely claim, any and all other interests in the Subject Property shall be FORFEITED to the United States and this Order shall become the Final Order of Forfeiture as provided by Federal Rule of Criminal Procedure 32.2(c)(2).


Following the Court's disposition of any petitions for ancillary hearing, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions, the United States shall have clear title to the Subject Property, and shall be authorized to dispose of the Subject Property as prescribed by law.

The Court retains jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

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**IT IS SO ORDERED.**

Dated: 5/1/2014



HONORABLE ROBERT H. CLELAND  
United States District Judge